

July 11, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, July 11, 2000, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Jeff Smith, Elaine Stiller, Jeff Sowers, Mark Lewis, Leigh Ann Loeblein, Ken Mowery, Mark Perry, Sean Reid

ABSENT: Fred Dula, John Daniels, Andy Storey, DeeDee Wright

STAFF: Harold Poole, Patrick Kennerly, Janice Hartis, Hubert Furr, David Phillips, Dan Mikkelsen

The meeting was called to order by Chairman Lewis. The minutes of June 13, 2000, were approved as published.

ZONING MAP AMENDMENTS

Z-12-00 Steve M. Karriker, Old Concord Road between Jake Alexander Blvd. and Julian Road

Location: Properties on the east and west side of the 1700, 1800 and 1900 blocks of Old Concord Road

Size: Approximately 67 ½ acres

Existing Zoning: R-15 Single Family-15 Residential

Proposed Zoning: R-40 Single Family-40 Residential

(a) Chairman Lewis convened a courtesy hearing on Z-12-00.

Those speaking in favor of the zoning change request:

Steve Karriker, 1925 Old Concord Road. Filed rezoning application on behalf of himself and his neighbors. Neighborhood is developed more in accordance with the R-40 standards rather than the R-15 standards. The area was rezoned from R-40 to R-15 several years ago, and this rezoning would put them back where they were previously. Seeking protection from developers who want to develop a lot with houses close together which will make the area look congested. Not against development in the neighborhood. Neighbors want the requirement of one-acre lots. (Presented a petition in support of the rezoning.)

Alan Lyerly, 2115 Old Concord Road. Realizes progress is coming. Would like for the progress to be as complementary to the neighborhood as possible. The R-40 would blend in extremely well with what is there now.

Those speaking in opposition to the zoning change request:

John Jobe, 2105 Old Concord Road

Patricia Jobe, 2105 Old Concord Road

Approximately 14 people stood in favor of the rezoning and four stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Mark Perry – This is a corridor into Salisbury. The character of this neighborhood is established as an R-40-type neighborhood. When the character of a neighborhood is established, it ought to have a chance to retain that character with zoning protection. The majority of the owners in that area want to retain that character of the neighborhood

Jeff Sowers – Has a problem with rezoning the property to R-40. Asked City Engineer Dan Mikkelson to explain the Thoroughfare Plan as it pertains to Old Concord Road.

Dan Mikkelson – Old Concord Road is identified on the thoroughfare plan as a major thoroughfare. Its primary purpose is to move through-traffic. Because of the location of the county's industrial park, Old Concord Road is likely to serve in the not-to-distant future as being a direct route to a very high employment base. Plans call for this road to be a four-lane divided highway (planted median 18 feet wide).

Jeff Sowers -The city is looking for higher density, which does not necessarily mean that we can't preserve areas like this. You can have a heavily traveled thoroughfare which still looks rural. Along the fringes you can still allow the growth to happen where it needs to happen. This area has been defined as a primary urban corridor. Hopefully there is a way to preserve the naturalness of the area but allow the growth to happen.

Sean Reid – The neighborhood is sticking together and telling the Board what they want. Agrees with the neighborhood since this is what they want.

Jeff Smith – For the rezoning to R-40. Right now the R-40 protects the nature of the neighborhood. Looking for the day when the subdivision ordinance will allow a mix of higher density with open space that will keep that corridor looking rural where there may still be smaller lots. To rezone this to R-40 allows us to protect that until we may potentially get that type of subdivision ordinance.

Ken Mowery – This is a good way to protect this area until something else comes along to change his mind.

Mark Lewis – This is an area around our city that has been designated as a primary growth area by the citizens in 1986 which resulted in the Salisbury 2000 policies. We should expect increased density on this corridor. Downzoning this property from R-15 to R-40 goes contrary to the Salisbury 2000 plan. It is also contrary to SmartGrowth principles. He feels this would promote urban sprawl. R-15 zoning does not prohibit one lot per acre.

Sean Reid moved to recommend rezoning the property to R-40 as proposed. The motion was seconded by Mark Perry. The motion carried with Smith, Stiller, Loeblein, Mowery, Perry and Reid voting AYE and Lewis and Sowers voting NAY.

ZONING TEXT AMENDMENT

Jeff Sowers, chairman of the Legislative Committee, explained that the committee is recommending new subdivision regulations pertaining to sidewalks, planting strips, and style of curb and guttering. The committee's suggestions for future subdivisions outside RD-A and RD-B districts include: (a) sidewalks in all future subdivisions; (b) sidewalks on both sides of interior or internal streets, including around cul-de-sacs; (c) sidewalks a minimum of five feet in width; (d) sidewalks to be placed at the edge of right-of-way; (e) sidewalks around the perimeter of the property if the roadway is a thoroughfare, and that the sidewalks be a minimum of five

feet in width; (f) planting strips between the street and the sidewalk; and (g) vertical or block-style curb and gutter, rather than valley style.

Chairman Lewis opened a Courtesy Hearing to receive comments from the public regarding the proposed changes.

Rodney Queen, Polo Drive. He indicated he was present at the meeting not on behalf of himself as a builder but rather for the working class people in the city. The stability and foundation of the city is the working class people. If things aren't done to maintain a cost structure so that we can keep the cost of our lots in line so that developers can build within the city, we're going to force the working class people into the county. Several large developers have moved out into the county due to the cost factor. He's not against what is being proposed. He's against the procedure and the method that we're trying to approach it. The Planning Board and City Council should look at each development and determine which is better. How does the land lie, what is the terrain, can you really effectively put a sidewalk around the cul-de-sac and still have building space. What works in Cary and Charlotte might not necessarily work in Salisbury.

Mike Moore, 111 Carriage Lane, Granite Quarry. Cited an example in Indianapolis where developers put in the streets and the curb and gutter. Sidewalks are not installed but left up to each individual lot owner or buyer to install as they develop or build out the community.

Max Spear, 607 Anderson Avenue. He builds affordable homes and agrees with Mr. Queen on his point that we're up against a real problem in prices. Another \$1500 for sidewalks or vertical curb cuts will knock a lot of people out of being able to buy a home. These requirements will add \$30 or \$40 to house payments. He can see a subdivision with \$40,000 lots requiring curb and gutter. Approximately 44% of Salisbury's residents rent their homes. We develop better citizens if we're able to give people the chance to buy a house in which to live. The valley curbs do not require a city service to come out and cut curbs.

Eddie Beaver, The Beaver Company, 1121 Old Concord Road. It's very important that we work to have interchange and dialogue between the planners and builders and the developers. We haven't had a lot of that. He suggested the board consider creating a committee of the planners, builders, developers and private citizens to evaluate some of the things that have been said today. If sidewalks and vertical curb and guttering are required, it is going to have to be graded. The board has approved three developments for him. Would be glad to go with sidewalks for the high-end developments as well as the vertical curbing. There are places where the valley curbing is adequate and preferred. If you consider something like this and grade it initially so that we don't wipe out affordable housing and we allow developers to build housing that moves lower income people into something they can afford, you would be considering the best interest of all people. A graded system would work—determining what's needed in each particular development based on the price range, the size of the lot, etc.

David Wood, 105 Sudley Circle. These requirements will add \$25-\$30 more per month to buy a home.

John Jobe, 2105 Old Concord Road. There needs to be a compromise between the city and developers.

Eldridge Williams, 705 Torrence Street. Likes the idea of bringing in developers to hear their concerns. But the board should consider the thought pattern that we do want a livable society and a livable community as well as a walkable community. Sidewalks provide that.

The chairman closed the Courtesy Hearing.

Board Discussion:

Jeff Smith – Indicated he was in favor of requiring sidewalks but not sure we're there yet. Favors the idea of requesting City Council appoint a task force of people from the Planning Board and developers to look at the issue much like we've done with the Visual Corridor Overlay District. Doesn't like the graded system idea. What's good for one is good for all. The vertical curbing creates a pleasurable way for pedestrians to walk.

Leigh Ann Loeblein – It comes back to creating an aesthetically pleasing community and still have affordable housing. We have led the way in preserving our historic district and that comes at a price. These houses cannot be kept up without some cost. We need to continue to do that in our neighborhoods by providing sidewalks. Some thought needs to be given to the timing of putting in sidewalks because they get torn up during construction.

Elaine Stiller – We should not deprive certain groups of enjoying sidewalks.

Sean Reid – Agrees with the developers that the market will dictate. If up-scale homes are built, the market will dictate whether sidewalks are installed because that's what the neighbors want. We have enough regulations in place. The market will be the best indicator for whether you have sidewalks.

Mark Lewis – The Salisbury 2020 Vision Committee held several meetings open to the public to find out what residents wanted Salisbury to be in the year 2020. He didn't see very many developers at these meetings. The community came together and said they wanted a walkable community—sidewalks, street trees, pedestrian level street lighting. The Salisbury 2020 Committee has taken these comments into consideration and will include these comments in their final recommendation.

Ken Mowery – Has heard a lot of good comments from the developers, and this is their first chance to comment on the Legislative Committee's recommendations. The committee has worked several months. Likes Mr. Beaver's idea of having a committee of planners and developers to take this as a starting point and work with it together.

Mark Lewis recommended that the Board lay the issue on the table for a month and talk with Council and staff as to how this should move forward. Ken Mowery so moved. The motion was seconded by Jeff Sowers with all members voting AYE. The matter will be included on next month's agenda.

GROUP DEVELOPMENTS

G-9-71 Housing Authority of the City of Salisbury, 200 South Boundary

An application has been received for additions to the vehicle shed and the storage shop and the addition of seven parking spaces. The Technical Review Committee recommends approval. Leigh Ann Loeblein moved to recommend approval. The motion was seconded by Jeff Smith with all members voting AYE.

G-2-99 Rowan Regional Medical Center, 612 Mocksville Avenue

(Ken Mowery was excused due to a conflict of interest.)

An application has been received for the construction of a linear accelerator and a modular unit on their property at the intersection of Mocksville Avenue and Rutherford Street.

The Technical Review Committee recommends approval. Mr. Leroy Kirk, representing the hospital, Dr. Wayne Cline and Dr. William Brinkley spoke in favor of the request. On a motion by Jeff Sowers, seconded by Elaine Stiller, with all members voting AYE, the site plan was recommended for approval.

SPECIAL USE PERMIT

Hubert Furr explained that some time back several changes were made to child daycare requirements. To put a child daycare facility in an area zoned R-6 Two Family Residential, a Special Use Permit is required from City Council with a recommendation from the Planning Board. A request has been received for a Special Use Permit to allow a church-sponsored daycare facility at 506 East Lafayette Street. Staff recommends approval. On a motion by Sean Reid, seconded by Mark Perry, with all members voting AYE, the Special Use Permit was recommended for approval.

COMMITTEE REPORTS

(a) G-7-00 South Main Street Apartments, 1205 South Main Street

Leigh Ann Loeblein gave the committee report. The committee met on-site with the developer, designer, city staff and several neighbors. The committee is recommending approval of the site plan with the following recommendations: (1) retaining as many live trees as possible, (2) changing the type of landscaping, (3) providing access from South Main Street by what was recently Mildred Street, (4) revising the architectural style to include dormers on the South Main St. side of the building, (5) directing lighting onto this property at 1205 South Main Street, and (6) clarifying the size of the units to be 960 sq. ft. each (two stories). The committee report comes as a motion to recommend approval, with conditions. The motion was seconded by Sean Reid with all members voting AYE.

(b) Z-11-00 PASJ&J Enterprise, 2105 Old Concord Road

The request is for rezoning an 8.6-acre tract on Old Concord Road from A-1 Agricultural to R-15 Single Family-15 Residential. Sean Reid gave the committee report. The committee met on-site with the applicant, city staff and several neighbors. The committee tried to work with everyone to develop a compromise, but were not able to. None of the committee particularly liked the A-1 district but also did not like the proposed R-15 district. The applicant stated he would accept R-20 zoning as a compromise. The committee is recommending denying the request. This comes as a motion from the committee. The motion was seconded by Mark Perry. Jeff Sowers felt the R-20 district would be appropriate for the area since the nearby Stone Ridge subdivision is in the R-15 zoning district but has mainly 20,000 square foot lots. The motion to deny carried with Smith, Stiller, Loeblein, Mowery, Perry and Reid voting AYE and Lewis and Sowers voting NAY.

(c) Cell towers – Committee chair Andy Storey was absent. The matter was delayed until the next meeting.

(d) Extension of mobile home (MH) overlay

Jeff Sowers gave the committee report. City Council recently approved small extensions to existing 15-acre mobile home overlay districts. With no minimums for extensions the Planning Board and Council could be asked to consider lot by lot additions, which is not in

keeping with the area concept of the MH overlay. The MH district would grow incrementally through a neighborhood. The Council suggested there be a minimum acreage for extensions to existing MH overlay districts and asked Planning Board to further study the matter. The committee considered several options including specifying the size of future extensions, allowing no future extensions, and allowing no future extensions and deleting zoning references to the MH overlays, making those mobile homes in existing MH overlay areas nonconforming. The committee is recommending that no future extensions to existing MH overlay districts be allowed less than 15 acres. This comes as a motion from the committee. The motion was seconded by Sean Reid with all members voting AYE.

(e) Z-9-00 Hipp Enterprises, West Innes Street near Lilly Avenue

The request is for rezoning a portion of property (the remaining portion is zoned B-RT) from R-8 Single Family Residential to B-RT Retail Trade Business. Ken Mowery reported for the committee. The petitioner is seeking the rezoning in order to put in a parking lot for his barber shop. The committee met the first time on-site with the petitioner, city staff and several neighbors. It appeared at the meeting that the neighborhood was more opposed to the rezoning than they were to a parking lot being added to the barber shop. The petitioner offered to seek a B-RT-S for the property and eliminate all undesirable uses. However, no committee action was taken on that offer. The committee tabled the matter until staff could determine the number of parking spaces that could fit on the existing B-RT portion of the lot (where the house is located) and eliminating the need for rezoning the other portion of the property. The committee met again and reviewed a diagram provided by Dan Mikkelsen showing a maximum of eight parking spaces. There is room for three spaces in the front yard and five in the rear yard in the area already zoned B-RT. However, in order to get the five spaces in the rear yard, some type of parking structure would be required. Committee members agreed this arrangement would not be suitable. The committee again discussed an "S" district but could not take any action since that was not the applicant's request. The applicant will probably resubmit for rezoning the entire property to B-RT-S with restrictions that he will work out with the neighborhood. The committee will have a recommendation ready for next month's meeting.

(f) Visual Corridor Overlay District

Mark Perry reported that the committee met three times last month. A draft ordinance was distributed at today's meeting. This will affect Innes Street from Interstate 85 to Craige Street. A Courtesy Hearing will be held at next month's meeting on the proposed ordinance.

CITY COUNCIL REFERRALS

(a) City Council held a public hearing and voted to approve Planning Board's recommendation to deny the addition of the use "fortune tellers, palm readers, etc." in the B-6 General Business District. Council noted the relatively large, prominent areas that have B-6 zoning. Fortune tellers, palm readers, etc., are permitted in the B-4 Highway Business District with the provision that such use not be in conjunction with a residence. The Council has asked Planning Board to consider two items: (1) rezoning the property that Mrs. Dorothy Dalton is renting from Dr. James at 2910 South Main Street from B-6 to B-4, and (2) a zoning text amendment to remove "but not in conjunction with a residence" from the fortune teller, palm reader, etc., permitted use. A Courtesy Hearing will be held next month.

(b) City Council approved Planning Board's request for a 90-day period to conduct a small area study of that portion of Jake Alexander Blvd. from Salisbury Mall to the railroad tracks. The Jake Alexander Boulevard Committee, composed of DeeDee Wright (chair), Andy Storey, Fred Dula and Jeff Smith, has been assigned to this project.

ZONING TEXT AMENDMENT

A request has been received from Catawba College to allow pole banner displays for special events. A proposed text amendment to Section 9.06(6) was distributed to members. This amendment would approve flags for special events with five provisions. All the flags will be located on the college campus. Mark Lewis asked about the length of time the flags would be permitted to be flown. Mr. Furr indicated there was no time limit specified in the proposed ordinance. Mr. Lewis questioned whether something should be added indicating that the approval shall be for no more than one year. Ken Mowery moved to approve the proposed text amendment with the addition of a time limit of one year. The motion was seconded by Jeff Smith with all members voting AYE.

RETREAT

The Planning Board retreat has been scheduled for Tuesday, August 29, 5:30, in the Ellis Room of Central Carolina Bank.

There being no further business, the meeting was adjourned.

Chairman

Secretary